

**STATE OF TENNESSEE**

OFFICE OF THE  
ATTORNEY GENERAL  
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NASHVILLE, TENNESSEE 37202

September 16, 2002

Opinion No. 02-100

Married Minor; Compulsory School Attendance Laws

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**QUESTIONS**

1. To what extent is a minor who is married emancipated?
2. Is a minor who has recently been married, prior to her/his eighteenth birthday, emancipated so as to exempt him/her from the requirements of the Tennessee compulsory attendance laws?

**OPINIONS**

1. A minor who marries is fully emancipated from parental control.
2. A fully emancipated minor is not subject to the compulsory school attendance law.

**ANALYSIS**

The request asks whether this Office continues to adhere to Op. Tenn. Atty. Gen. 96-064 (April 8, 1996) concerning whether an emancipated minor must abide by state compulsory school attendance laws.

Opinion 96-064 states that complete emancipation<sup>1</sup> relieves a minor of compulsory school attendance requirements. The reference is to emancipation by judicial order. By judicial order, a court may partially or completely remove the disabilities of minority. Tenn. Code Ann. § 29-31-101. The latter is called a general decree, and it fully emancipates the minor, empowering the minor to deal with his property, make contracts, sue and be sued, and engage in a profession or vocation as if the minor were eighteen (18) years of age. Tenn. Code Ann. § 29-31-105.

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<sup>1</sup> "Emancipation of a child is the relinquishment by the parent of control and authority over the child, conferring on him the right to his earnings and terminating the parents legal duty to support the child." *Going v. Going*, 8 Tenn. App. 690, 698 (1928).

Op. Tenn. Atty. Gen. 96-064 does not discuss emancipation by marriage, but for the purposes of the school compulsory attendance law, the answer is the same. In both situations, the minor is freed of parental control. Marriage of a minor child, either with or without consent of the parents, fully emancipates the child from parental authority. *E.g.*, *Going v. Going*, 8 Tenn. App. 690, 698 (1928); *Holman v. Holman*, 244 S.W.2d 618, 620, 35 Tenn. App. 273, 278 (1951).

This Office reaffirms Op. Tenn. Atty. Gen. 96-064 for the reasons stated in that opinion. A married minor is fully emancipated from parental control and thus, like other emancipated minors,<sup>2</sup> is not subject to compulsory school attendance laws.

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Requested by:

The Honorable Jeff D. Rader  
General Sessions Judge  
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<sup>2</sup> Emancipation may also occur when a minor enlists in the military or when the parents consent. *See Glover v. Glover*, 319 S.W.2d 238, 244 (Tenn. App. 1958) (A minor emancipated by enlisting in military service may sue his parents in tort.); *Morgan v. Morgan*, 1988 WL 130340, \*2 (Tenn. App.) (“[V]oluntary emancipation requires the consent of the parent, express or implied.”).